

ing and forfeiture of charter; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, February 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 407, A bill to be entitled "An Act creating a State system of public employment offices; accepting the provisions of the Wagner-Peyser Act approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), 'An Act to provide for the establishment of a National employment system and for co-operation with the States in the promotion of such system, and for other purposes'; designating the Bureau of Labor Statistics as the agency for the administration of this Act; creating a division within the Bureau of Labor Statistics to be known as the Texas State Employment Service, responsible for the administrative system of public employment officer, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

TWENTY-SIXTH DAY

(Continued)

(Thursday, February 21, 1935)

The House met at 10 o'clock a. m., and was called to order by Speaker Stevenson.

PROVIDING FOR A JOINT SESSION OF THE HOUSE AND SENATE

Mr. Morse offered the following resolution:

H. C. R. No. 38, Providing for a Joint Session of the House and Senate to hear address by Hon. James V. Allred, Governor.

Be it resolved by the House of Representatives, the Senate concurring, That the House and Senate meet in Joint Session at 11 o'clock a. m.,

February 21, 1935, for the purpose of hearing an address by His Excellency, the Hon. James V. Allred, Governor of Texas.

The resolution was read second time, and was adopted.

HOUSE CONCURRENT RESOLUTION NO. 28 WITH SENATE AMENDMENTS

Mr. Cooper called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 28, Commending the State Board of Education for including Texas history in the curricula of public schools.

The Speaker laid the resolution before the House, with Senate amendments.

On motion of Mr. Cooper, the House concurred in the Senate amendments.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, February 21, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 1, A bill to be entitled "An Act authorizing any taxpayer in any common school district or independent school district to pay one-half or all of such school tax prior to the payment of any other tax that may be collectable on the same roll during the period of time covered by this Act; making provision for the receipt of same by the collector in making proper record thereof and providing for the issuance of official tax receipt or certificate of redemption upon final payment; authorizing, if desired, the making of a special roll showing such school taxes segregated; suspending all laws in conflict therewith, and declaring an emergency."

H. B. No. 225, A bill to be entitled "An Act to amend Acts of 1927, Fortieth Legislature, First Called Session, Chapter 80, by adding thereto Section 9a, providing for the levying of a tax annually against the property in each of the counties composing a road district composed of two or more counties, for the purpose of securing rights of way within such dis-

trict for such highways as such districts were created to construct, maintain and operate or acquire, and for the maintenance of such district highways as are not maintained by the State as State highways, and declaring an emergency."

Respectfully,
BOB BARKER,
 Secretary of the Senate.

SENATE BILL NO. 90 ON PAS- SAGE TO THIRD READING

The Speaker laid before the House, as pending business, on its passage to third reading,

S. B. No. 90, A bill to be entitled "An Act providing for the issuance of three million five hundred thousand dollars (\$3,500,000) of Texas Relief Bonds, Fourth Series, under Section 51a, of Article III, of the Constitution of Texas, and declaring an emergency";

The bill having been read second time on yesterday.

Mr. Tennyson offered the following committee amendment to the bill:

Amend Senate Bill No. 90 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. In conformity with the provisions of Section 51a, Article III, of the Constitution of the State of Texas, the Legislature of the State of Texas hereby issues three million five hundred thousand dollars (\$3,500,000) of bonds. Said bonds shall be designated 'Texas Relief Bonds, Fourth Series.'

"a. Such bonds are issued on the faith and credit of the State of Texas and are general obligations of the State, and the principal and interest of said bonds are payable from all monies received by the State, except revenues derived from ad valorem taxes on real property, provided that the indebtedness as evidenced by said bonds shall never become a charge against or lien upon any property, real or personal, within this State.

"b. Such bonds shall be numbered consecutively, beginning with Number One, and shall be in such denominations as shall be designed by the Texas Bond Commission, aggregating three million five hundred thousand dollars (\$3,500,000).

"c. They shall be dated April 1, 1935, and the principal of said bonds shall mature as follows:

\$387,750 on April 1, 1936;
 \$400,750 on April 1, 1937;
 \$414,750 on April 1, 1938;
 \$428,750 on April 1, 1939;
 \$443,750 on April 1, 1940;
 \$458,750 on April 1, 1941;
 \$474,750 on April 1, 1942;
 \$490,750 on April 1, 1943.

"d. They shall bear interest at a rate to be fixed by the Texas Bond Commission, not to exceed four and one-fourth per cent (4½%) per annum, payable semi-annually on April 1 and October 1 of each year, the first interest being due and payable on October 1, 1935.

"e. The principal and interest shall be payable on the maturity dates thereof in lawful money of the United States of America in such funds as on the respective maturity dates shall be legal tender for debts due to the United States of America upon presentation and surrender of bonds or proper coupons at the office of the Treasurer of the State of Texas, at Austin, Texas.

"f. They shall be exempt from taxation by the State of Texas, or by any county, municipal, or quasi-municipal corporation, or by any other political subdivision in or of the State, or of any county thereof.

"g. Said bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, including funds of every character which can be deposited by the State of Texas, and shall be eligible to secure the deposit of any and all public funds of all counties, cities, or political subdivisions thereof and of public corporations of every character within the State of Texas; and said bonds shall be lawful and sufficient security for said deposits to the extent of one hundred per cent (100%) of the face amount of said relief bonds when accompanied by all unmatured coupons appurtenant thereto. This provision shall take precedence over all laws and parts of laws in conflict herewith, and all laws and parts of laws in conflict with this provision are hereby repealed to the extent of such conflict.

"h. Said bonds shall be approved as to form and validity by the Attorney General of the State of Texas,

and each of said bonds shall be signed by the Governor, attested by the Secretary of State, under the seal of the State of Texas, and registered by the State Comptroller of Public Accounts, and the lithographing of the facsimile signatures of such officers on the coupons shall be sufficient for such purpose.

"i. Said bonds shall have interest coupons attached to them, and the form, printing, lithographing, and/or engraving of said bonds shall be provided for by the Texas Bond Commission, in installments or otherwise, and after being printed, lithographed, and/or engraved, signed, attested, and registered by the proper officials, the bonds shall be immediately deposited with the State Treasurer of Texas for registration and for safekeeping. It shall be the duty of said officer to keep a record of said bonds so deposited with him in a special book procured and kept for that purpose. Said bonds shall be subject to registration in the name of the holder as to principal, on books kept for that purpose in the office of the Comptroller of Public Accounts, as evidenced by the endorsement upon the back thereof, and after such registration the principal thereof shall be payable only to the registered owner, his legal representative, or assigns. After being registered such bonds may again be made payable to bearer by endorsement thereon, and such bonds shall continue subject to registration and to payment to bearer at the option of the holder. The coupons attached to said bonds shall be and continue payable to bearer.

"Sec. 2. The Texas Relief Bonds, herein issued, shall be sold by the Texas Bond Commission, heretofore created by Chapter 37, Acts of the First Called Session of the Forty-third Legislature, in the following manner:

"The State Board of Control shall make application to the Texas Bond Commission for the sale of such part of said three million five hundred thousand dollars (\$3,500,000) of bonds, as, in its judgment, is needed to procure State money necessary for the relief of the unemployed and needy, and upon the filing of such application, said Texas Bond Commission shall sell the amount of bonds so requested by the State Board of Control. Upon further application of the State Board of Control, said Texas

Bond Commission is hereby directed to sell additional bonds in the amount so applied for. Upon the sale by the Texas Bond Commission of any part of the three million five hundred thousand dollars (\$3,500,000) of Texas Relief Bonds, as herein provided for, the said Bond Commission shall, by order, provide that said installment of bonds shall mature over a period of eight (8) years, beginning with March 1, 1935, and shall mature approximately in the same proportions as set out in Subsection 'C' of Section 1 hereof. The order of the Bond Commission designating the maturities shall be entered upon the minutes of the Commission. In no event shall the total amount of bonds sold under authority of this Act exceed a total principal amount of three million five hundred thousand dollars (\$3,500,000). No bonds, as provided for hereunder, shall be sold from and after the twenty-sixth day of August, 1935. It is further provided that no officer, or officers, board, commission, or any person whatever shall borrow from any government, or from any source, or permit advances of any amount whatsoever, for any of the purposes stated in Section 51a, Article III, of the Constitution, in anticipation of the future issuance of bonds, and any such loan or advance shall be void, and shall create no obligation against the State of Texas, and any officer of the State of Texas, or any officer or member of any board or commission of the State of Texas participating in such attempted loan or advance shall be guilty of high crimes and misdemeanors.

"Sec. 3. The bonds authorized to be sold by this Act shall be sold by the Texas Bond Commission at a time and place to be designated by the Bond Commission, and, after advertisement, published in three (3) newspapers of general public circulation in the State of Texas, which publication shall be made once, at least one (1) week prior to the day fixed for the sale of the bonds, the advertisements specifying date, amount, and maturities of the bonds, the rate of interest, and such other provisions as the said Commission may deem proper, provided that the notice of sale shall contain proper provisions offering said bonds on basis of different and various rates of interest, none of which shall exceed a rate of four and one-fourth per cent (4½%) per an-

num. Said Commission may, in its discretion, publish a similar advertisement in one (1) newspaper of general circulation outside the State of Texas. Offers for said bonds shall be made upon sealed bids filed with the secretary of said Bond Commission and accompanied by such earnest payment as the Bond Commission may direct; the said Bond Commission shall reserve the right to reject all bids, but in the event a bid is accepted, the State Treasurer, on order of the Texas Bond Commission, is directed to deliver said bonds to the purchasers when he shall have received, for the credit of the State of Texas, current funds of the United States in the amount of the accepted bid for said bonds, which shall in no event be less than par and accrued interest. In the event bids are not received for the purchase of all or any part of said offer of bonds or in the event the Bond Commission rejects all bids for any or all of said offer of bonds, said Commission may re-advertise said bonds as above provided, or may, in its discretion, proceed to sell at private sale all or any part of same to the Reconstruction Finance Corporation, or to any other governmental agency, or to any person, firm, or corporation for cash and in such manner as shall be provided for by the Bond Commission; provided, however, that none of said bonds shall be sold for a price less than the par value thereof and accrued interest thereon. No commission, directly or indirectly, shall be allowed upon the sale of said bonds or any of them.

"The funds other than accrued interest and/or premiums received from the sale of said bonds shall be credited by the State Treasurer to the 'Relief Bond Fund.' Any amounts received as accrued interest and/or premiums from the sale of said bonds shall be placed to the credit of a fund designated as 'The Texas Relief Bond Sinking Fund, Fourth Series.' Both of said bonds shall be deposited in accordance with the depository laws of the State of Texas for the deposit of other State funds.

"Sec. 4. Texas Relief Bonds, Fourth Series, shall be redeemed and retired in the following manner:

"In obedience to Section 51a, of Article III, of the Constitution, which places upon the Legislature the duty to make such appropriations as are necessary to pay the interest and

principal of such bonds as the same become due, there is hereby appropriated out of all revenues received from all sources except from taxes on real property, for each and every year that any Texas Relief Bonds, Fourth Series, are outstanding, a sum sufficient to pay the principal and interest on such bonds as the same become due. From and after the effective date of this Act and until all Texas Relief Bonds, Fourth Series, have been retired, the Treasurer of the State of Texas, as he receives any and all monies (from sources other than taxes on real property) for the use and benefit of, and which under the present law would go to the General Revenue Fund of the State shall first, before such monies go into the General Revenue Fund, annually set up out of such monies a special and separate fund in anticipation of and sufficient to meet all interest and maturity requirements on said bonds for the fiscal year next succeeding, which said fund shall be deposited to the credit of 'Texas Relief Bonds Sinking Fund, Fourth Series.' In event the revenues thus received by the Treasurer shall be insufficient to meet said anticipated maturities of principal and interest, there is hereby appropriated from revenues received from all sources other than from taxes on real property, not otherwise specifically appropriated by the Constitution, sufficient money to meet said anticipated maturities of principal and interest, and the Treasurer is hereby ordered to place said additional monies in the said Sinking Fund. Said Texas Relief Bonds Sinking Fund, Fourth Series, shall be kept by said State Treasurer as a separate fund out of which the interest on said Texas Relief Bonds, Fourth Series, shall be paid, and out of which said bonds shall be redeemed and retired as they become due, and the same is hereby appropriated for each year while such bonds, or any of them, are outstanding, for the purpose of paying the interest and principal of said bonds as the same become due; it being the intention of the Legislature, and the Legislature hereby does set apart, preserve and appropriate an adequate fund to pay off and discharge the principal and interest of said bonds as and when the same become due and payable.

"Sec. 5. If, on the twenty-sixth day of August, A. D. 1935, any of the

bonds which have been authorized herein have not been sold, it shall be the duty of the State Treasurer, in the presence of the two other members of the Bond Commission, to destroy, by burning, any unsold bonds and all interest coupons appended thereto. After said bonds shall have been destroyed by burning, as above provided, it shall be the duty of said members of said Commission to make a certificate in writing to the effect that said bonds were destroyed in accordance with the provisions of this law, giving the date on which said bonds were so destroyed by the State Treasurer, and file said certificate in the office of the Secretary of State of the State of Texas. As the bonds mature and are paid, they shall be forthwith destroyed and report thereon filed in like manner.

"Sec. 6. If, at the time the State Board of Control ceases to administer the duties imposed by this Act, there shall remain with the State Treasurer any sums of money which have been derived from the sale of any of said bonds, it shall be the duty of said State Treasurer to transfer said money out of said special account to the 'Texas Relief Bond Sinking Fund, Fourth Series.'

"Sec. 7. Any owner or holder of any of the bonds herein issued, in the event default in the payment of said bonds, or any interest payment thereon, shall have, and is hereby granted, the right to institute a suit, or suits, against the State of Texas in any court of competent jurisdiction in Travis County, Texas, for the purpose of enforcing payment thereof. Service of the process on the Attorney General shall be sufficient in any such suit against the State.

"Sec. 8. The proceeds of the sale of any and all bonds sold under the provisions of this Act are hereby appropriated to the State Board of Control for the purpose and subject to the restrictions as set forth in this Act.

"Sec. 9. Out of the fund herein appropriated there shall be paid the expense for printing, lithographing and/or engraving the bonds, and the signing of same as well as all expenses incident to the sale thereof and the purchase of the books and supplies incident to keeping the record therefor.

"Sec. 10. The State Board of Control is authorized and instructed to

expend from the proceeds of the sale of the last \$1,500,000 of Texas Relief Bonds, Third Series, now remaining available, a sum not to exceed \$500,000 for the balance of the month of February, and the remaining \$1,000,000 during the month of March, 1935; provided that any and all sums not expended during the months of February and March may be expended by the State Board of Control during any succeeding month or months.

"Sec. 11. Provided that the Texas Bond Commission and the State Board of Control are prohibited from selling and/or expending more than \$700,000 for the month of April, \$500,000 for the months of May, June, July, August, and September, and \$300,000 for the month of October, 1935, out of the funds herein provided. Provided, further, that any and all of such funds not expended during the month for which allocated may be expended by the State Board of Control during any succeeding month or months.

"Sec. 12a. The funds derived from the sale of the bonds herein issued shall, except as herein otherwise specifically provided, be administered by the same agencies, in the same manner and for the same purposes as provided for in Chapter 34, Acts of the Third Called Session of the Forty-third Legislature, and Chapter 37, Acts of the First Called Session of the Forty-third Legislature and Chapter 15, Acts of the Second Called Session of the Forty-third Legislature.

"b. The State Board of Control shall be expressly charged with the administration and expenditure of the funds derived from the sale of bonds herein issued and of the relief problems arising thereunder. They shall dispose of all property and equipment heretofore and hereafter purchased for use in distributing relief funds, which funds shall be used for the relief of unemployables, provided, however, said funds may in the discretion of the Board of Control be used also for the relief of the employables.

"c. The State Board of Control and the agencies herein provided for may also direct the expenditure of said funds if such agencies are required by the Federal Government, without expense or obligation, however, on the part of the State of Texas.

"d. The Board of Control shall use not less than \$100,000 of the 3 per

cent authorized in Section 26 of Chapter 34, Acts of the Third Called Session of the Forty-third Legislature, for the purpose of building and equipping a permanent building or buildings at the State Sanatorium at Sanatorium, Texas. The contractor shall use all Texas labor and preference shall be given to laborers who may be eligible for relief in Texas. The building or buildings when completed shall be used under the direction of the Board of Control.

"Sec. 13. Each member of the Board of Control shall receive in addition to the salary now provided by law the sum of \$100 per month beginning March 1, 1935, and ending November 1, 1935, payable in the same manner as the present compensation is paid out of the funds herein provided for, as well as the necessary traveling and other expenses of such members and employes of the Relief Commission Division of the Board of Control. The Board of Control shall pay the employes herein provided for and heretofore provided for such funds as compensation as the said Board may deem just and proper and may hire and discharge such members from time to time as they may deem best for the interest of the people of this State.

"Sec. 14. Any case worker, county administrator, or other employe engaged under the provisions of this Act who shall engage himself in the political interest of any candidate or who shall attempt to influence any voter on any political issue, shall be immediately discharged upon being proved guilty of such activity and shall never again be the beneficiary of the funds authorized by this Act, either as an employee or as a relief subject.

"Sec. 15. If, and when it has been shown that employment at the prevailing wage scale of the county has been offered a person who is physically able to work, who is upon the relief rolls and that said person has refused to accept such employment at the prevailing wage scale, it shall then be the duty of the county administrator to refuse further relief to said person and, in addition thereto, shall notify the State Board of Control of the name, address, and circumstances of such case.

"Sec. 16. The Board of Control is hereby directed to seek the co-operation of the Federal relief agency

so that changes may be procured in the Federal rules and regulations applicable to the expenditure of Federal funds and funds expended and contributed to jointly by this State and the Federal Government; said changes to be procured so that the relief funds can be more economically and judiciously expended, and so that the relief program will not hamper the recovery of the farming, ranching and industrial activities of this State.

"Sec. 17. None of the funds herein provided nor any of the funds arising from the sale of the bonds shall be used to pay the salary of any employe of the Texas Relief Commission Division of the State Board of Control who is related by blood or marriage within the second degree to the head of any Department of State Government or to any member of the Legislature or to any member or employe of the State Board of Control, and no person so related shall be employed by the State Board of Control; provided this Section shall not apply to any person in the employ of the Texas Relief Commission upon the effective date of this Act.

"Sec. 18. Any person, or persons, charged with the duty or responsibility of administering, disbursing, auditing, or otherwise handling the funds provided for in this Act, and who shall knowingly misappropriate any such funds, or who shall knowingly make a false report concerning, or who shall knowingly and/or unlawfully distribute or expend any of the same, shall be deemed guilty of a felony, and shall, upon conviction thereof, be confined in the State Penitentiary for a term of not less than one (1) year and not more than five (5) years.

"Sec. 19. Any person or persons who shall knowingly make any false statement or misrepresentation in order to procure any sum or sums of money or other relief provided by this Act, or secure any relief or funds under any other than his true name, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50) or be confined in the county jail for a period of not exceeding three (3) months, or by both such fine and jail sentence.

"Sec. 20. If any section, clause, or sentence in this Act should ever be

held to be unconstitutional, such holding shall not affect the remaining portions hereof.

"Sec. 21. Sections 11, 14, 18, 19, and 27, of Chapter 34, Acts of the Third Called Session of the Forty-third Legislature, be, and are hereby repealed.

"Sec. 22. The fact that the relief funds provided through the passage of this Act and the issuance and sale of bonds thereunder, is of vital importance to the State of Texas and the people thereof, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three separate days in each House, be, and the same is hereby, suspended, that this Act shall be effective immediately from and after its passage, and it is so enacted."

Mr. Tennyson offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 90 by striking out all of Section 12a, pages 24 and 25, and insert in lieu thereof the following:

"Sec. 12a. That all of the rights, powers, and duties of the Relief Commission Division of the State Board of Control, as defined and conferred by Chapter 34, Acts of the Third Called Session of the Forty-third Legislature, are in all things hereby confirmed and extended; it not being the intention of the Legislature, by this Act, to repeal those sections of said Chapter 34, not herein expressly changed."

The amendment was adopted.

Mr. Clayton offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 90 by adding at the end of Section 12 of said committee substitute a new section to be known as "Section 12e," to read as follows:

"Sec. 12e. The State Board of Control is hereby authorized to use not to exceed three per cent (3%) or so much thereof as may be necessary of the proceeds of the Texas Relief Bonds herein authorized for the hospitalization of indigent tubercular patients who are on the relief rolls in recognized established tuberculosis sanatoria (other than in the State Tuberculosis Sanatorium) within the State; provided that the applications

and requirements for relief hereunder shall conform to those for admission to the State Sanatorium, save and except that the prohibition against negro patients shall not apply to this Act, and the superintendent of the State Tuberculosis Sanatorium, subject to the approval of the State Board of Control, is authorized, empowered, and directed to select and designate such sanatoria, for the treatment of such patients, and to enter into contracts with such sanatoria for the care of such patients; provided, further, that the amount authorized to be expended for services, including board, laundry, room, medicine, and medical attention, shall not exceed the sum of two dollars and fifty cents (\$2.50) per day per patient. Providing further, that of the funds herein allocated there is appropriated the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, to be expended under the direction of the superintendent of the State Tuberculosis Sanatorium, for an assistant, or assistants, and clerical help and to pay office and traveling expenses necessary for the purpose of carrying this Act into effect."

CLAYTON,
HANKAMER,
LATHAM,
JACKSON.

The amendment was adopted.

Mr. Reed of Bowie offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 90, page 25, Section 12, by adding a new section, to be known as Subsection e:

"Subsection e. The county relief boards, acting with the commissioners court of the county, or with the governing body of any municipal or quasi-municipal corporation or other political subdivision of the county, are authorized to formulate plans and specifications for the construction of such lateral roads or other work projects as may be needed in said county, providing the construction of same will be feasible and practicable from the standpoint of utilizing labor of unemployed persons in said county; provided that at least thirty-five per cent (35%) of the funds allocated to any county shall be expended on the construction, repair, or maintenance of lateral roads or other work projects. In setting up work projects in

each county the same consideration shall be given to unemployed women as to men. In projects in which the majority of persons employed are women, the provisions allowing eighty per cent (80%) of the funds to be applied to labor, may be altered for the purpose of obtaining material, supplies and equipment, according to the judgment of the State Board of Control. All projects for which relief funds are to be expended shall be submitted to and approved by the Board of Control. The applications to the Board of Control shall contain such data as is necessary to show the details of the project undertaken and shall be accompanied by plans and specifications showing the way and manner in which work is to be performed. Before any application is approved, it shall be made to appear to the State Board of Control that the following essential facts shall exist, to wit:

"(1) That the project presents a practical opportunity to provide work for unemployed people of the county or political or other subdivisions making the application; and at least eighty per cent (80%) of the funds for such project will be used for labor.

"(2) That the project can be constructed with local unemployed labor eligible for employment or relief projects.

"(3) That the project will not require the expenditure of an inequitable portion of the relief funds when compared with the needs of the whole State and the amount of money available for relief work and relief purposes.

"(4) That the project could not be accomplished as a public work project on account of the demonstrated inability of the county, municipality or other political subdivision concerned to finance its part of the project.

"If a county, municipal, or quasi-municipal corporation, or other political subdivision of the county is allotted funds for the relief of those eligible to be placed on relief rolls and to be employed in the construction, repair, or maintenance of lateral roads or any other public project, then and in that event, said commissioners court or the governing body of such municipality, quasi-municipality or other political subdivision of the county shall have the direct supervision and control of the

expenditures of such funds allotted to it, subject, however, to such rules and regulations as may be prescribed by the Board of Control; and in the expenditures of such funds the commissioners court or other governing body may act free from the county board in all matters except as to the employment of labor which shall be supplied by the county administrator. At least eighty per cent (80%) of the State funds granted by this section shall be used for the purpose of paying for labor of unemployed persons eligible for relief and an amount not to exceed twenty per cent (20%) of the funds granted by this section for each project may be available for the purpose of procuring materials, tools, equipment, and supplies and/or for other purposes."

The amendment was adopted.

Mr. Tennyson offered the following amendment to the committee amendment:

Amend committee amendment for Senate Bill No. 90, page 24, by striking out all of Sections 10 and 11 thereof, and substituting the following:

"Section 10. The State Board of Control is authorized and may expend from the proceeds of the sale of the last \$1,500,000 of Texas Relief Bonds, Third Series, now remaining available a sum not to exceed \$750,000 for the month of March, and \$750,000 for the month of April, 1935, provided that any and all sums not expended during the months of March and April may be expended by the State Board of Control during any succeeding month or months.

"Section 11. Provided that the Texas Bond Commission and the State Board of Control are prohibited from selling and or expending more than \$400,000 for the months of May, June, July, August, September, October, and November, and \$700,000 for the month of December, 1935. Provided further, that any and all of such funds not expended during the month for which allocated may be expended by the State Board of Control during each succeeding month or months."

The amendment was adopted.

Mr. Tennyson offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 90, by striking out the words "and ending November 1,

1935," page 25, lines 31 and 32, and by adding after the word "control," in line 36, the following: "but only for so long a time as there may be funds available from the herein provided for funds, and relief therefrom is being administered in this State."

The amendment was adopted.

Mr. Reed of Bowie offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 90, page 19, by striking out Subsection "f" and renumbering the bill accordingly.

Mr. Gibson moved to table the amendment by Mr. Reed of Bowie.

The motion to table prevailed.

Mr. Moffett offered the following amendment to the committee amendment:

Amend committee amendment for Senate Bill No. 90, page 25, by adding a new subsection after Subsection "e," Section 12, to be known as "f."

"Subsection f. The State Board of Control is authorized to create a State work project for the construction and erection of a building to house the Texas Relief Commission Division of the State Board of Control, and to purchase sufficient material for the completion thereof; which building shall be constructed by the State Board of Control with any unemployment labor available in the State of Texas and eligible for employment on relief projects; provided that said building shall be located on State-owned property located in the City of Austin, and provided further, that upon the termination of relief work in the State of Texas, if said building shall not be longer needed for relief purposes, it shall be used for other State purposes as directed by the State Board of Control."

Mr. Farmer offered the following amendment to the amendment by Mr. Moffett:

Amend Moffett amendment by adding at the close these words: "Provided, the wages to be paid for the labor for the erection of said building shall be the prevailing wages for wages in Austin."

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, February 21, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 38, Providing for a Joint Session of the House and Senate at 11 o'clock a. m., February 21, 1935, for the purpose of hearing an address by His Excellency, the Hon. James V. Allred, Governor of Texas.

Respectfully,

BOB BARKER,
Secretary of the Senate.

ADDRESS BY HON. JAMES V. ALLRED, GOVERNOR

(In Joint Session)

In accordance with the provisions of House Concurrent Resolution No. 38, providing for a Joint Session of the House and Senate at 11 o'clock a. m., today, to hear an address by Governor James V. Allred, the Honorable Senators, at 11 o'clock a. m., appeared at the bar of the House, and, being admitted, were escorted to seats.

Lieutenant Governor Walter F. Woodul occupied a seat on the Speaker's stand.

Speaker Stevenson called the House of Representatives to order.

Lieutenant Governor Walter Woodul called the Senate to order.

Speaker Stevenson presented Hon. James V. Allred, Governor, who addressed the Joint Session, as follows:

To the Forty-fourth Legislature:

I submit to you for emergency consideration the following matter:

Pursuant to the provisions of House Concurrent Resolution No. 26, adopted on February 1, 1935, I attended a conference of the Governors and their representatives from the oil-producing States held at Dallas, Texas, on February 15 and 16, for the purpose of discussing, formulating, and recommending a form of compact between said States to accomplish the conservation of petroleum and natural gas and the prevention of physical waste of these natural resources.

I have the honor to report that, as a result of said conference, a compact was entered into, duly signed by the Governors of the States of Oklahoma and Texas and by representatives of the Governors of California, New Mexico, Arkansas, Colorado, Illinois, Michigan, and Kansas; such compact,

subject, of course, to the approval of the lawmaking body of each of said States. The compact as entered into reads as follows:

"An Interstate Compact to Conserve Oil and Gas"

"Article I"

"This agreement may become effective within any compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

"Article II"

"The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

"Article III"

"Each State bound hereby agrees that within a reasonable time it will enact laws, or if laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"(a) The operation of any oil well with an inefficient gas-oil ratio.

"(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas in paying quantities.

"(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

"(d) The creation of unnecessary fire hazards.

"(e) The drilling, equipping, locating, spacing, or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"(f) The inefficient, excessive, or improper use of the reservoir energy in producing any well.

"The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

"Article IV"

"Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation

statutes or any valid rule, order, or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

"Article V"

"It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create, or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

"Article VI"

"Each State joining herein shall appoint one representative to a commission hereby constituted and designated as 'The Interstate Oil Compact Commission,' the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection. The commission shall have power to recommend the coordination of the exercises of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"No action shall be taken by the commission except: (1) by the affirmative votes of the majority of the whole number of the compacting States, represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half year to the daily average production of the compacting States during said period.

"Article VII"

"No State by joining herein shall become financially obligated to any

other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

"Article VIII

"This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days' notice, withdraw herefrom.

"The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory States.

"This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

"Done in the City of Dallas, Texas, this sixteenth day of February, 1935.

"E. W. MARLAND,
The Governor of Oklahoma.

JAMES V. ALLRED,
The Governor of Texas.

R. L. PATTERSON,
For the State of California.

FRANK VESELY,

E. H. WELLS,

HUGH BURCH,

HIRAM M. DOW,

For the State of New Mexico.

"The following representatives recommend to their respective Governors and Legislatures the ratification of the foregoing agreement:

"JOHN W. OLVEY,
Of Arkansas.

WARWICK M. DOWNING,
Of Colorado.

WILLIAM BELL,
Of Illinois.

GORDON F. VAN EENEAM,
GERALD COTTER,
Of Michigan.

RALPH J. PRYOR,

E. B. SHOWYER,

T. C. JOHNSON,
Of Kansas."

It is apparent from the provisions of said compact that it will be of

great benefit in "the conservation of petroleum and natural gas and the prevention of physical waste of these natural resources." I direct your attention to the fact that in keeping with the provisions of House Concurrent Resolution No. 26 said compact is designed to prevent the waste of our natural resources "without price fixing, the creation or perpetuation of monopoly or regimentation."

Since legislation is now pending and proposed before the Congress of the United States dealing with the oil industry and the natural resources of the oil-producing States, which pending and proposed National legislation will naturally be influenced to some extent by the action of the States, I respectfully urge that this compact be approved by the Legislature of Texas at the earliest opportunity. I should like to see Texas the first State to ratify the compact.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

(Copy)

Railroad Commission of Texas
Austin

February 21, 1935

Hon. James V. Allred,
Governor of the State of Texas,
Austin, Texas.

Dear Governor Allred:

The Railroad Commission in session today carefully examined and studied every provision contained in the proposed interstate compact entered into by the representatives of the oil-producing States to conserve oil and gas.

We find that, in our opinion, the compact thoroughly protects the rights of the State of Texas, and that it in effect carries out the conservation policy of the State of Texas. Every rule and definition set out in the compact is already in effect in the State of Texas under the statutes of our State or in the rules and regulations of the Railroad Commission passed pursuant to those statutes, except Section C, Art. III.

Section C, Article III, relates to the avoidable escape into the open air, and the wasteful burning, of gas from a natural gas well. In connection with this particular matter and with particular reference to such permits as have been issued by the Railroad Commission, under the special con-

servation clause in Article 6008 of our statutes at places other than the Panhandle of Texas, we beg to state that the Commission has already held public hearings, at which time the interested parties, after due notice, were cited to appear and show cause why such permits to strip gas from natural gas and popping the tail gas into the air should not be cancelled.

It is our sincere hope that the Legislature of Texas may see fit to promptly ratify this splendid compact in which eight other oil-producing States have joined Texas to the end of further conservation of our natural resources by the prevention of physical waste and to the further end that Texas may proudly continue to lead the way in conservation, and that these nine States may be banded together with us in the fight we have been waging against the undue encroachment of Federal power upon the rights of the respective States.

Yours truly,

(Signed) ERNEST O. THOMPSON,
Chairman;

(Signed) C. V. TERRELL,

(Signed) LON A. SMITH,
Commissioners.

Executive Office,

Austin, Texas, February 21, 1935.

To the Forty-fourth Legislature:

Your attention is respectfully directed to the necessity for immediate attention to the enormous physical waste of natural gas in Texas fields. It is reliably reported that in excess of a billion cubic feet of natural gas is daily wasted by being "blown into the air" in what is commonly known as the Panhandle Field. It is also common knowledge that hundreds of millions of cubic feet of natural gas are daily being wasted into the air in other fields of the State from gasoline stripping plants, the number of which will shortly multiply unless this wasteful practice is summarily stopped. It is my understanding that this situation has grown out of probably justifiable liberties taken by producers under what is known as the "Sour Gas Bill" passed by the Regular Session of the Forty-third Legislature.

It is my conception that natural gas stripping for the purpose of extracting natural gasoline, as such, is both waste of which I speak principally a worthy and profitable industry. The

occurs after this operation. The return of dry or stripped gas to the producing strata of gas or oil fields in a manner to save or use it beneficially is a worthy operation; as also is the use of this stripped gas for other beneficial purposes such as light, fuel, or manufacture. But blowing of this product into the open air—as also is the blowing of any natural gas into the open air beyond practical limitations required incident to the production of oil—is intolerable under sound conservation policy. The gigantic physical waste of natural gas in Texas has attracted the attention of the citizenship of both this State and the Nation. This waste must be stopped.

The cause of this tragical condition is embodied in two evils. Primarily it is the fault of the gas pipe lines which in most instances own gas productive capacity sufficient for their own requirements. These pipe lines have refused to adopt a policy of ratable purchase in the fields, leaving some operators, principally the smaller ones, without a market. The other is the practice of these small producers, who, without the privilege to share in withdrawals, have been compelled to turn to the wasteful practice of stripping the natural gasoline therefrom for profit and turning the stripped gas into the open air. These pipe lines, selfishly refusing to purchase gas ratably from the pools, it being more profitable to produce their own requirements, have left small independent producers with no outlet.

It is a fact well known that the Standard Oil Company of New Jersey, the Cities Service Company and other big corporations led the parade for oil proration in the oil fields. It is also well known that these corporations, through affiliated companies, and otherwise, control these gas pipe line outlets. It is most significant that these corporations, which inspired and perfected oil proration in Texas, have strenuously resisted gas proration for the sole reason that the advantage of their position as to gas rendered it unnecessary to prorate. The gas producer, unlike the oil producer, cannot ship natural gas to market by tank car or truck, nor can he store it.

It is difficult to understand how, in view of this gross inconsistency, the executives of these great corporations can pursue such policies without reflecting upon the intelligence of the

people of Texas. The history of these combines, however, is sufficient to leave no room for shock in the minds of those conversant therewith. These corporations in many instances financed their pipe lines to Chicago, St. Louis, Denver and elsewhere upon the representation of ownership of gas reserves in Texas inclusive of lands they did not fully own. Upon this representation they sold their securities to investors. Their purpose was and is to drain from the gas lands both within and without their ownership the requirements of natural gas for these lines, thus doing great and irreparable injury to thousands of landowners and small producers in this State by disallowing the benefits of ratable purchase and withdrawal from the pools.

As a result of this policy the small producers, being unable to enforce ratable purchase of gas in the fields under our statutes, having lost in court, have been compelled in self-defense to turn to the wasteful practice of blowing stripped or dry gas into the open air after stripping, thus utilizing only the liquid gasoline recovered therefrom.

A sound public policy demands that this atrocious waste be stopped and that our gas resources be conserved for useful purposes for the present and future generations.

The remedy for this condition lies in the enactment of appropriate legislation to remove the causes therefor. This can and should be done within the bounds of constitutional authority.

I respectfully recommend the passage of appropriate legislation to correct these evils and, at the same time, to insure to producers and landowners their ratable share of gas withdrawals from the fields. I particularly recommend the following:

First: Enactment of legislation to effectuate gas conservation and the elimination of physical waste thereof within such reasonable limitations as may be found necessary to protect the program of oil production.

Second: An adequate provision to provide for ratable withdrawal of gas from gas wells in the fields.

Third: Proper limitations upon the right to produce natural gas from gas wells so as to compel producers, handlers, and transporters of natural gas to apportion withdrawals from all gas wells in each field ratably under the supervision of the Railroad Commission.

Fourth: Adequate power and latitude of fact finding and regulatory rules should be given to the Railroad Commission to properly supervise the restriction of production of natural gas in the gas fields, to prevent waste thereof, and to restrict the right to produce natural gas so as to impose ratable withdrawal of gas from the wells in each field.

Fifth: It is my opinion, and I respectfully submit, that the statute should be so drawn as not to award a preferred position to those few giant carriers who virtually hold a monopoly upon the markets for light and fuel. Instead I recommend that no limitation be put upon the uses of natural gas beyond beneficial use.

Some proper uses may be of small economic value. But their recognition under the law is indispensable to competitive industry that insures the best effect for the benefit of land and well owners in the matter of market price realized. For example, I refer to the use of natural gas for the manufacture of carbon black, a highly useful commodity. Carbon black is used for the manufacture of paints, printer's ink, automobile tires and numerous other articles of commerce. Experience has shown that gas purchasers have frequently raised gas prices in the fields for the singular purpose of discouraging this and other minor uses. This logical and beneficial price check will always be of paramount importance and value to land and well owners in the gas fields of Texas.

Sixth: The divorcement of pipe lines from the producing, manufacturing and marketing branches of the natural gas industry is essential to the remedy. Pipe lines constitute the exclusive outlets from these gas fields. In the past while their affiliated brethren have preached and secured oil proration, these gas pipe line companies have successfully resisted gas proration in the courts on the ground that they are not purchasers at all, but only users of their own production.

I believe it is essential, and I therefore recommend, that appropriate legislation be enacted to limit the scope of business ownership of corporations in this industry as the proper means to effectuate gas conservation regulation. To insure effectiveness of this regulation, it will be necessary to include a prohibition against interlocking ownership of units in

these several branches of the industry by holding companies.

I respectfully call your attention to possible pitfalls in some of the bills that are now before the Legislature dealing with this subject.

Some sponsors have suggested that proposed legislation may disregard vested rights under the "theory of capture," upon which our property law is based. This step is believed by me to be dangerous under our Constitution and property law. Its inclusion might serve to destroy the effectiveness of the statute. I believe the statute can be so drawn as to respect these vested rights and accomplish insurance against downfall under constitutional limitations.

Others have suggested the policy of price fixing. This, also, is off the charted course and presents a serious constitutional question. It is also significant that price fixing in the statute might bring us face to face with the question of Federal control of this natural resource, a situation wholly repugnant to the interest of the State in the exclusive exercise of its right to handle its own internal problems. It is also important that if by reason of the State's adoption of such a policy, natural gas production should be declared interstate commerce and subject to exclusive Federal control, then the State of Texas might thereby be forever precluded from its own inherent right to levy taxes upon this resource because of the constitutional prohibition against placing a burden on interstate commerce.

We are, of course, intensely interested in a market and a fair market price for natural gas at the wells, not only in the interest of the State, but as well for land and well owners. This condition can and should be improved by the finding of additional markets for natural gas from new industry at home, as well as through new pipe line outlets to industrial centers that now suffer great shortage of fuel gas supply at prices easily within the limits of economic profit. Inquiries I have made conclusively show that Detroit, St. Louis, and other large industrial cities are greatly interested and desirous of co-operating fully in any program to bring to their gates additional supplies of fuel gas. The National Administration has indicated a profound interest and willingness to render active

aid to such a program. It is both reasonable and plausible that by State aid and authorization, without cost to the citizenship, a program can be inaugurated by the gas producers, with available Federal aid, that will establish these market outlets. At a later date I shall have a specific recommendation to make in this connection.

If we expect to preserve the right of Texas exclusively to control this problem, it devolves upon the Legislature to enact appropriate legislation that will not jeopardize the exclusive right of Texas to continue an effective conservation policy for the protection of this great and bountiful resource against the ravages of unnecessary waste. To insure effectiveness and avoid costly delay, if we are not to risk the right and heritage of our citizenship to control this problem ourselves and secure for the citizenship of Texas the inherent benefits of this great natural resource, this regulation must be propagated within constitutional bounds.

I am mindful that this subject is before your honorable body and that patriotic members have already given much toil and study to the problem. These comments are made in a spirit of helpfulness in view of the emergency that demands the speediest possible action. I therefore earnestly commend this matter as an emergency for your earliest consideration.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

SENATE RETIRES

At the conclusion of the address the Senate retired to its Chamber.

EXTENDING INVITATION TO THE LEGISLATURE TO VISIT LAREDO

Hon. E. H. Lange, having been recognized by Speaker Stevenson, extended an invitation to the members of the House to attend the celebrations of Washington's birthday in the city of Laredo, and had read the following:

"Whereas, The Forty-fourth Legislature of the State of Texas is now in Session; and

Whereas, The members thereof will probably desire to appropriately observe the birthday of George Washington; and

Whereas, The present Legislature is composed of prominent citizens from all parts of the State, whom Laredo would delight to meet and honor; now, therefore, be it

Resolved by the Directors of the Washington Birthday Celebration Association, Inc., That we hereby extend to the members of both Houses of the Forty-fourth Legislature, a sincere and cordial invitation to visit our city and attend the celebration of Washington's birthday on the twenty-second day of the current month and assure them that the members of this association and the citizenship of Laredo would be highly delighted and honored to have them present on that occasion.

Done at Laredo, Texas, this twentieth day of February, 1935.

H. L. JACKSON, President.

R. M. BARRY, Secretary."

HOUSE BILL ON FIRST READING

The following House bill, introduced today, by unanimous consent, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Reader, Mr. Olsen, Mr. Young, Mr. Wells, Mr. Lucas, Mr. Jefferson, Mr. Duvall, Mr. Hardin, Mr. Spears, Mr. Jones of Atascosa, Mr. Roach of Angelina, Mr. Great-house, Mr. McConnell, Mr. Rogers, Mr. McFarland, Mr. Farmer, Mr. Rutta, Mr. Hoskins, Mr. Bradbury, Mr. Adamson, Mr. Hartzog, Mr. Jones of Falls, Mr. Ash, Mr. Patterson, Mr. Frazer, Mr. Graves, Mr. Knetsch, Mr. Adkins, Mr. Alsup, Mr. Dickison, and Mr. Riddle:

H. B. No. 588, A bill to be entitled "An Act to amend Articles 1632, 1633, 1634, and 1635, of the Revised Penal Code of the State of Texas, 1925, and Articles 7426, 7427, and 7428, of the Revised Civil Statutes of the State of Texas, 1925, defining, prohibiting, and declaring illegal, trusts, monopolies, and conspiracies in restraint of trade, and prescribing penalties for forming and being connected with such trusts, monopolies or conspiracies, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice

thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 11, Granting Mrs. Rhoda Sweatt and Miss Mae Vance, each, permission to bring suit against the State.

S. C. R. No. 6, Memorializing Congress to support a plan for immediate payment of the soldiers' bonus.

S. C. R. No. 17, Authorizing the Highway Department to lend certain road equipment in McLennan County.

S. C. R. No. 10, Urging Congress to pass the Frazer-Lemke Farm Re-finance Bill.

H. C. R. No. 28, Commending the State Board of Education for including Texas history in the curricula of public schools.

H. C. R. No. 38, Providing for a Joint Session to hear an address by Governor James V. Allred.

H. B. No. 1, "An Act authorizing any taxpayer in any common school district or independent school district to pay one-half or all of such school tax prior to the payment of any other tax that may be collectable on the same roll during the period of time covered by this Act; making provision for the receipt of same by the collector in making proper record thereof and providing for the issuance of official tax receipt or certificate of redemption upon final payment; authorizing, if desired, the making of a special roll showing such school taxes segregated; suspending all laws in conflict therewith, and declaring an emergency."

H. B. No. 225, "An Act to amend Acts of 1927, Fortieth Legislature, First Called Session, Chapter 80, by adding thereto Section 9a, providing for the levying of a tax annually against the property in each of the counties composing a road district composed of two or more counties, for the purpose of securing rights of way within such district for such highways as such districts were created to construct, maintain, and operate or acquire, and for the maintenance of such district highways as are not maintained by the State as State highways, and declaring an emergency."

S. B. No. 27, "An Act making an appropriation of one thousand dollars (\$1,000) to be used by the Commissioner of the General Land Office for binding and repairing records and

documents of the General Land Office, and declaring an emergency."

ADJOURNMENT

Mr. Keefe moved that the House recess to 2 o'clock p. m., today.

Mr. Tarwater moved that the House recess to 10 o'clock a. m., tomorrow.

Mr. McKee moved that the House adjourn until 10 o'clock a. m., next Monday.

Mr. Reader moved that the House adjourn until 10 o'clock a. m., Friday, February 22.

Question first recurring on the motion by Mr. McKee, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—26

Ash	Leath
Bergman	Mauritz
Bourne	McKee
Celaya	Moffett
Daniel	Moore
Duvall	Morris
Graves	Morse
Gray	Olsen
Hartzog	Riddle
Hoskins	Russell
Hyder	Scarborough
Jefferson	Settle
Lange	Spears

Nays—111

Adamson	Davisson
Adkins	of Eastland
Aikin	Dunagan
Alexander	Dunlap of Hays
Alsup	Dunlap of Kleberg
Atchison	Dwyer
Beck	England
Bradbury	Fain
Bradford	Farmer
Broyles	Fitzwater
Burton	Fox
Butler of Brazos	Frazer
Butler of Karnes	Fuchs
Cagle	Gibson
Caldwell	Glass
Calvert	Good
Canon	Greathouse
Clayton	Hankamer
Collins	Hardin
Colquitt	Harris of Archer
Colson	Harris of Dallas
Cooper	Head
Cowley	Herzik
Craddock	Hodges
Crossley	Hofheinz
Davis	Holland
Davison of Fisher	Howard

Huddleston	Quian
Hunter	Reader
Jackson	Reed of Bowie
James	Reed of Dallas
Jones of Atascosa	Roach of Angelina
Jones of Falls	Roach of Hunt
Jones of Runnels	Roane
Jones of Shelby	Roark
Jones of Wise	Roberts
Keefe	Rogers
King	Rutta
Knetsch	Stanfield
Lanning	Steward
Latham	Stinson
Lemens	Stovall
Lindsey	Tarwater
Lotief	Tennyson
Lucas	Thornton
McCalla	Tillery
McConnell	Venable
McFarland	Waggoner
McKinney	Walker
Morrison	Wells
Newton	Westfall
Nicholson	Wood of Harrison
Palmer	Wood of Montague
Patterson	Worley
Payne	Young
Pope	Youngblood

Absent

Dickison	Leonard
Fisher	Luker
Ford	Padgett
Hill	Shofner
Hunt	Smith

Absent—Excused

Petsch

Question next recurring on the motion by Mr. Reader, it prevailed, and the House, accordingly, at 12:20 o'clock p. m., adjourned until 10 o'clock a. m., Friday, February 22.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Appropriations: House Concurrent Resolution No. 36, and House Bills Nos. 134, 327, 380, 494; and Senate Bill No. 136.

Game and Fisheries: House Bill No. 339.

Privileges, Suffrage, and Elections: House Bills Nos. 528 and 49.

Education: House Bills Nos. 506, 574, and 580.

The following committees have filed adverse reports, with minority favorable reports, on bills, as follows:

Criminal Jurisprudence: House Bill No. 520.

Judiciary: House Bill No. 281.

The Committee on Judiciary filed an adverse report on House Bill No. 393.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 19, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 438, A bill to be entitled "An Act prescribing the fees required of and paid by candidates in primary elections for State Senators and State Representatives in certain counties, and repealing all laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 21, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1, "An Act authorizing any taxpayer in any common school district or independent school district to pay one-half or all of such school tax prior to the payment of any other tax that may be collectable on the same roll during the period of time covered by this Act; making provision for the receipt of same by the collector in making proper record thereof and providing for the issuance of official tax receipt or certificate of redemption upon final payment; authorizing, if desired, the making of a special roll showing such school taxes segregated; providing this Act shall not affect House Bill No. 6 or House Bill No. 7, passed at the Fourth Called Session of the Forty-third Legislature, suspending all laws in conflict therewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, February 21, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 225, "An Act to amend Acts of 1927, Fortieth Legislature, First Called Session, Chapter 80, by adding thereto Section 9a, providing for the levying of a tax annually against the property in each of the counties composing a road district composed of two or more counties, for the purpose of securing rights of way within such district for such highways as such districts were created to construct, maintain, and operate or acquire, and for the maintenance of such district highways as are not maintained by the State as State highways; providing the question of levying said tax shall be submitted to the voters of counties composing said district at an election for said purpose in the manner provided by law for elections; providing the tax shall not exceed five (5) cents on the one hundred dollars (\$100) valuation in said counties, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, February 20, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 11, Granting to Mrs. Rhoda Sweatt and Miss Mae Vance, each, permission to bring suit against the State of Texas,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, February 21, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 28, Commending the State Board of Education, the State Superintendent of Public Instruction, and the county superintendents for their foresight in teaching History,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, February 21, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 38, Providing for a Joint Session of the House and Senate for the purpose of hearing an address by the Hon. James V. Allred,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

TWENTY-SEVENTH DAY

(Friday, February 22, 1935)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Dunlap of Hays
Adamson	Dunlap of Kleberg
Adkins	Duvall
Aikin	Dwyer
Alexander	England
Alsup	Fain
Ash	Farmer
Atchison	Fisher
Beck	Fitzwater
Bergman	Ford
Bourne	Fox
Bradbury	Frazer
Bradford	Fuchs
Broyles	Gibson
Burton	Glass
Butler of Brazos	Good
Butler of Karnes	Graves
Caldwell	Greathouse
Canon	Hankamer
Celaya	Hardin
Clayton	Harris of Archer
Collins	Harris of Dallas
Colquitt	Hartzog
Colson	Head
Cooper	Herzik
Cowley	Hill
Craddock	Hodges
Crossley	Hofheinz
Daniel	Holland
Davis	Hoskins
Davison of Fisher	Howard
Davisson	Huddleston
of Eastland	Hunt
Dickison	Hunter
Dunagan	Hyder

Jackson	Payne
James	Petsch
Jefferson	Pope
Jones of Atascosa	Reader
Jones of Falls	Reed of Bowie
Jones of Runnels	Reed of Dallas
Jones of Shelby	Riddle
Jones of Wise	Roach of Angelina
Keefe	Roach of Hunt
King	Roane
Knetsch	Roark
Lanning	Roberts
Latham	Rogers
Leath	Russell
Lemens	Rutta
Leonard	Scarborough
Lindsey	Settle
Lotief	Shofner
Lucas	Spears
Luker	Stanfield
Mauritz	Steward
McCalla	Stinson
McConnell	Stovall
McFarland	Tarwater
McKinney	Tennyson
Moore	Venable
Morris	Walker
Morrison	Wells
Morse	Westfall
Newton	Wood of Harrison
Nicholson	Wood of Montague
Olsen	Worley
Padgett	Young
Palmer	Youngblood
Patterson	

Absent

Lange

Absent—Excused

Cagle	Quinn
Calvert	Smith
Gray	Thornton
McKee	Tillery
Moffett	Waggoner

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Smith for today, on motion of Mr. Youngblood.

Mr. McKee for today, on motion of Mr. Knetsch.

Mr. Gray for today, on motion of Mr. Olsen.

Mr. Quinn for today, on motion of Mr. Harris of Archer.

Mr. Thornton for today, on motion of Mr. Gibson.

Mr. Waggoner for today, on motion of Mr. Wood of Harrison.